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HOUSE BILL 211

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Dianne Miller Hamilton

AN ACT

RELATING TO MOTOR VEHICLES; REVISING OFF-HIGHWAY MOTOR VEHICLE REQUIREMENTS; CREATING A FUND; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-3-1001 NMSA 1978 (being Laws 1978, Chapter 35, Section 197, as amended) is amended to read:

"66-3-1001. SHORT TITLE. -- Sections 66-3-1001 through ~~[66-3-1016]~~ 66-3-1018 NMSA 1978 may be cited as the "Off-Highway Motor Vehicle Act". "

Section 2. Section 66-3-1003 NMSA 1978 (being Laws 1978, Chapter 35, Section 199, as amended) is amended to read:

"66-3-1003. OFF-HIGHWAY MOTOR VEHICLES--REGISTRATION. --

A. Unless exempted from the provisions of the Off-Highway Motor Vehicle Act, no person shall operate a motor

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1 vehicle which is to be operated or used exclusively off the
2 highways of this state unless the motor vehicle has been
3 registered in accordance with the Off-Highway Motor Vehicle Act
4 and the regulations of the division adopted pursuant to that
5 act.

6 B. Application for registration and certificate of
7 title shall be made as provided in [~~Subsections A through C of~~]
8 Section 66-3-4 NMSA 1978. Upon receipt of an application for
9 an original registration of the motor vehicle or for any
10 certificate of title, the division shall make such examination
11 of records and indexes as provided in Section 66-3-8 NMSA 1978,
12 and registration indexes shall be kept and maintained for the
13 motor vehicles in the manner provided in Section 66-3-9 NMSA
14 1978. The division shall issue evidence of registration and a
15 certificate of title for the motor vehicles as provided in
16 Section 66-3-10 NMSA 1978.

17 C. Upon receipt of the registration certificate,
18 the owner of an off-highway motor vehicle shall affix the
19 registration plate or validating sticker on the motor vehicle
20 as prescribed by the regulations adopted by the division.

21 D. Out-of-state off-highway motor vehicles are
22 exempt from the registration requirements of this section if
23 they are used in an organized competition in an off-highway
24 trail, track or recreation area that has received money from
25 the off-highway motor vehicle fund. Out-of-state off-highway

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1 motor vehicles used in other off-highway trails, tracks or
2 recreation areas shall be registered in another state or
3 temporarily registered through the department.

4 E. Off-highway motor vehicles with an engine size
5 less than one hundred cubic centimeters shall be issued a one-
6 time registration at the time of title transfer with no
7 requirement for renewal."

8 Section 3. Section 66-3-1004 NMSA 1978 (being Laws 1978,
9 Chapter 35, Section 200, as amended) is amended to read:

10 "66-3-1004. REGISTRATION FEES. --

11 A. The fee for registration of an off-highway motor
12 vehicle is fifteen dollars (\$15.00) for each motor vehicle, and
13 the registration shall be good for two years after the year in
14 which the motor vehicle is registered. Each registration
15 [~~must~~] shall be renewed every three years to be valid.

16 B. Upon a change of ownership, the new owner [~~must~~]
17 shall make application and pay a registration fee of fifteen
18 dollars (\$15.00) in the same manner as provided by regulations
19 of the division for original registration.

20 C. Duplicate certificates of registration shall be
21 issued upon payment of a one dollar (\$1.00) fee.

22 D. Fees collected under the provisions of this
23 section shall be deposited in the off-highway motor vehicle
24 fund."

25 Section 4. Section 66-3-1008 NMSA 1978 (being Laws 1978,

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1 Chapter 35, Section 204, as amended) is amended to read:

2 "66-3-1008. REGISTRATION PLATES TO BE FURNISHED BY
3 DIVISION. --The division, upon registering a motor vehicle,
4 shall issue to the owner registration plates or [~~validation~~]
5 validating stickers as provided in Section 66-3-14 NMSA 1978. "

6 Section 5. Section 66-3-1012 NMSA 1978 (being Laws 1978,
7 Chapter 35, Section 208, as amended) is amended to read:

8 "66-3-1012. MOVEMENT OF OFF-HIGHWAY MOTOR VEHICLES
9 ADJACENT TO HIGHWAY. --Off-highway motor vehicles issued a
10 registration plate pursuant to Subsection C of Section
11 66-3-1003 NMSA 1978 may be [~~moved, by nonmechanical means only~~]
12 driven adjacent to a highway, in a manner so as not to
13 interfere with traffic upon the highway, yielding to all
14 vehicles entering or existing the roadway, only for the purpose
15 of gaining access to or returning from areas designed for the
16 operation of off-highway motor vehicles when no other route is
17 available. "

18 Section 6. A new section of the Off-Highway Motor Vehicle
19 Act, Section 66-3-1017 NMSA 1978, is enacted to read:

20 "66-3-1017. [NEW MATERIAL] SAFETY HELMET REQUIREMENT. --
21 Off-highway motor vehicle operators under the age of eighteen
22 shall wear a safety helmet as described in Section 66-7-356
23 NMSA 1978. "

24 Section 7. A new section of the Off-Highway Motor Vehicle
25 Act, Section 66-3-1018 NMSA 1978, is enacted to read:

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1 "66-3-1018. [NEW MATERIAL] OFF-HIGHWAY MOTOR VEHICLE

2 FUND. --

3 A. The "off-highway motor vehicle fund" is created
4 in the state treasury and shall be administered by the
5 division. The fund shall consist of money from fees collected
6 pursuant to Section 66-3-1004 NMSA 1978. Earnings on
7 investment of the fund shall be credited to the fund. Balances
8 in the fund at the end of any fiscal year shall not revert and
9 shall remain in the fund for the purposes authorized in this
10 section.

11 B. Money in the fund shall be used to:

12 (1) provide off-highway motor vehicle safety
13 training, responsible off-highway motor vehicle use, public
14 awareness and promotion;

15 (2) maintain or improve off-highway riding
16 trails, tracks or recreation areas and provide signs,
17 designations and information for their use; and

18 (3) close off-highway riding trails, tracks or
19 recreation areas if they pose an irreversible environmental
20 damage, a danger to users or a public nuisance and clearly mark
21 the closure and discourage off-highway travel through the
22 creation of an impasse.

23 C. Off-highway riding trails, tracks or recreation
24 areas created, maintained or improved by the fund shall be open
25 to the general public.

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1 D. The department shall restrict or prohibit
2 funding of off-highway riding trails, tracks or recreation
3 areas if the applicant for or recipient of funding does not
4 make a good faith effort to ensure that off-highway motor
5 vehicles are registered and that minors wear safety helmets
6 when operating an off-highway motor vehicle."

7 Section 8. Section 66-6-22.1 NMSA 1978 (being Laws 1990,
8 Chapter 120, Section 34, as amended) is amended to read:

9 "66-6-22.1. MOTOR VEHICLE SUSPENSE FUND CREATED--
10 RECEIPTS--DISBURSEMENTS.--

11 A. There is created in the state treasury a fund to
12 be known as the "motor vehicle suspense fund".

13 B. The fees collected under the provisions of
14 Sections 66-1-1 through 66-6-19 NMSA 1978, except the Off-
15 Highway Motor Vehicle Act, shall be paid to the state treasurer
16 for the credit of the motor vehicle suspense fund not later
17 than the close of the second business day after their receipt.

18 C. Money deposited to the credit of or disbursed
19 from the motor vehicle suspense fund shall be accounted for as
20 provided by law or rule of the secretary of finance and
21 administration. Disbursements from the motor vehicle suspense
22 fund shall be made by the department of finance and
23 administration upon request and certification of their
24 appropriateness by the secretary of finance and administration
25 or the secretary's delegate.

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